



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors

GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

January 2, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

REPORT BY THE CHIEF EXECUTIVE OFFICER ON THE ABILITY OF COUNTIES TO CONTRACT WITH PRIVATE COMMUNITY CORRECTIONAL FACILITIES TO HOUSE INMATES SENTENCED UNDER THE AB 109 PROGRAM (RELATED TO ITEM NO. 59 ON THE JANUARY 7, 2014 AGENDA)

Item No. 59 on the January 7, 2014 Agenda is a response to Supervisor Antonovich's December 17, 2013 motion directing the Chief Executive Officer to report back on the ability of counties to contract with private Community Correctional Facilities (CCFs).

Existing Law

Under existing law, the State has time-limited authority to contract with private correctional facilities. For several years, the State has contracted with private out-of-State facilities to house prison inmates as a result of the emergency order related to overcrowding in the State prison system. More recently, **County-supported SB 105 (Chapter 310, Statutes of 2013)**, urgency legislation that took effect September 12, 2013, granted the State additional authority to contract with public and private, in-State and out-of-State correctional facilities to house prison inmates to further address overcrowding and comply with the Federal three-judge panel's prison population reduction order.

"To Enrich Lives Through Effective And Caring Service"

*Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only*

AB 109 (Chapter 15, Statutes of 2011) created the overall framework for the 2011 Public Safety Realignment which transferred the responsibility for the supervision and incarceration of certain lower-level offenders from the State to counties. Provisions of the law granted counties the authority to contract with publicly owned and operated CCFs to house inmates sentenced under the provisions of AB 109. The intent of these provisions was to allow counties flexibility in addressing population management issues and potential overcrowding due to the increased number of inmates serving time in county jails.

AB 109, however, did not grant authority for counties to contract with privately owned and operated CCFs to house inmates sentenced under the AB 109 program. According to sources in Sacramento, the decision to exclude counties from contracting with private CCFs was primarily made as a result of concerns by the Administration and the Legislature that labor would oppose including such authority for counties.

Conclusion

Because existing law does not authorize counties to contract with the private CCFs to house AB 109 inmates, legislation would be required to allow such contracts. **As there is no existing Board-approved policy related to granting counties this contracting authority, pursuing legislative changes in Sacramento is a matter of Board policy determination.**

WTF:RA
MR:KA:ma

c: Executive Office, Board of Supervisors
County Counsel